



**Saint Paul Planning Commission**  
City Hall Conference Center Room 40  
15 Kellogg Boulevard West

**Agenda**

Christopher B. Coleman,  
Mayor

December 14, 2012  
8:30 – 11:00 a.m.

Saint Paul  
Planning Commission

Chair

Barbara A. Wencil

First Vice Chair

Elizabeth Reveal

Second Vice Chair

Paula Merrigan

Secretary

Daniel Ward II

Pat Connolly

Daniel Edgerton

Gene Gelgelu

William Lindeke

Gaius Nelson

Rebecca Noecker

Christopher Ochs

Trevor Oliver

Julie Perrus

Marilyn Porter

Tony Schertler

Emily Shively

Robert Spaulding

Terri Thao

Jun-Li Wang

David Wickiser

Planning Director  
Donna Drummond

**I. Approval of minutes of November 30, 2012**

**II. Chair's Announcements**

**III. Planning Director's Announcements**

**IV. PUBLIC HEARING: West Side Community Plan – Item from the Neighborhood Planning Committee. (*Scott Tempel, 651/266-6621*)**

**PUBLIC HEARING: Highland Village Special District Sign Plan Amendments – Item from the Neighborhood Planning Committee. (*Kate Reilly, 651/266-6618*)**

**V. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. (*Tom Beach, 651/266-9086*)

**NEW BUSINESS**

#12-116-679 William Mitchell College – Conditional use permit for expansion of campus boundary. 889 Portland Avenue and 918 Portland Avenue/46 Milton Street North between Milton and Victoria. (*Michelle Beaulieu, 651/266-6620*)

#12-212-747 Justin Waggoner – Change of nonconforming use from 10 unit roominghouse to 4 unit multi-family dwelling. 361 Bates Avenue between 6<sup>th</sup> and 5<sup>th</sup>. (*Kate Reilly, 651/266-6618*)

**VI. Comprehensive Planning Committee**

**VII. Neighborhood Planning Committee**

Shepard Davern Area Plan and Zoning Study – Initiate area plan update and zoning study. (*Michelle Beaulieu, 266-6620*)

**VIII. Transportation Committee**

**IX. Communications Committee**

**X. Task Force/Liaison Reports**

**XI. Old Business**

**XII. New Business**

**XIII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &  
Heritage Preservation Commission**  
MASTER MEETING CALENDAR

**WEEK OF DECEMBER 10-14, 2012**

**Mon (10)**

**Tues (11)**

**3:30- Comprehensive Planning Committee**  
**5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)**

**HAS BEEN CANCELLED**

**Weds (12)**

**Thurs (13)**

**Fri (14)**

**8:30- Planning Commission Meeting**  
**11:00 a.m. (Donna Drummond, 651/266-6556)**

**Room 40 City Hall**  
**Conference Center**  
**15 Kellogg Blvd.**

**PUBLIC HEARING:** West Side Community Plan – Item from the Neighborhood Planning Committee. (Scott Tempel, 651/266-6621)

**PUBLIC HEARING:** Highland Village Special District Sign Plan Amendments – Item from the Neighborhood Planning Committee. (Kate Reilly, 651/266-6618)

**Zoning..... SITE PLAN REVIEW** – List of current applications. (Tom Beach, 651/266-9086)

**NEW BUSINESS**

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#12-212-747 Justin Waggoner – Change of nonconforming use from 10 unit roominghouse to 4 unit multi-family dwelling. 361 Bates Avenue between 6<sup>th</sup> and 5<sup>th</sup>. (Kate Reilly, 651/266-6618)

**Neighborhood Planning**

**Committee.....** Shepard Davern Area Plan and Zoning Study – Initiate area plan update and zoning study. (Michelle Beaulieu, 266-6620)

**The Planning Commission minutes from the meeting on Friday, November 30, 2012 are not ready for your review. Once they are done early next week, you will receive an email with the minutes attached. You will also get a hard copy at the 12/14/12 meeting.**

**Thanks for understanding,**



**Sonja Butler**





**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6626  
Facsimile: 651-228-3341*

Date: December 7, 2012  
To: Planning Commission  
From: Scott Tempel, City Planner  
Re: The West Side Community Plan Public Hearing

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On December 14, the Planning Commission will hold a public hearing on the West Side Community Plan. As of December 7, 2012, no public comments have been received by staff. The draft West Side Community Plan was sent for review by affected City departments for consistency with City policies and the Comprehensive Plan and no substantive comments have been received at this point.

Heritage Preservation Staff reviewed the draft Plan and brought it before the Heritage Preservation Commission on November 15, 2012. The Heritage Preservation Commission found the objectives in the West Side Community Plan to be a strong pro-preservation statement that supports the Historic Preservation Chapter in the Comprehensive Plan. The HPC found the West Side Community Plan to be consistent with the City's policies, with the six recommended changes as detailed in the attached resolution.

Staff will incorporate the HPC recommendations, several minor verbiage changes, and any comments received at the public hearing as suggested changes for review by the Neighborhood Planning Committee in January.

**Attachments:**

1. HPC Resolution

## **CITY OF SAINT PAUL**

### **HERITAGE PRESERVATION COMMISSION RESOLUTION**

**FILE NUMBER** 12-WSP Recommendation

**DATE** November 15, 2012

**WHEREAS**, Section 73.04 of the Saint Paul Legislative Code states that the Heritage Preservation Commission shall "serve as an advisory body to the mayor and city council on municipal heritage preservation matters... [and] shall review and comment on studies which relate to the...architectural heritage of the city..."; and

**WHEREAS**, the West Side Plan was developed by the West Side Community Organization (WSCO), Community Design Group, and over 300 residents; and

**WHEREAS**, the Plan was adopted by the WSCO on August 13, 2012 and is now being submitted to the Heritage Preservation Commission for its review and comment in accordance with the provisions of Chapter 73.04; and

**WHEREAS**, the Plan area includes multiple historic resources that have been identified and three Saint Paul Heritage Preservation Sites:

- 1 E. George Street, Riverview Branch Library
- 2 E. George Street, Rau Strong House
- 1 S. Wabasha Street, Minnesota Boat Club; and

**WHEREAS**, the Plan area also includes several historic resources listed on the National and/or State Registers; and

**WHEREAS**, the Plan addresses the need for an updated survey of the entire area given the last cultural resources survey was completed in 1983. Preservation practices and criteria for assessing significance of properties have also evolved. Since the 1983 survey work, approximately six properties identified as historic resources have been razed; and

**WHEREAS**, the strategies and objectives of the West Side Community Plan that address historic preservation include the following:

- LU3. Promote development that maintains the traditional urban form and respects the unique topography of the West Side.
- H2. Preserve and improve the existing housing stock.
- HP1. Integrate Preservation Planning into the Broader Public Policy, Land Use Planning, and Decision-Making Processes.
  - HP1.1 Incorporate preservation considerations into development, land use and environmental reviews.
  - HP1.2 Prioritize the retention of historic resources over demolition when evaluating planning and development projects that require or request WSCO action, involvement, or funding.
  - HP1.3 Give equal consideration to projects with preservation factors when formulating Capital Improvement Budget requests.
  - HP1.4 Partner with the City (Heritage Preservation Commission) and with organizations like Historic Saint Paul and community development corporations to fund and promote preservation initiatives, including surveys to identify historic resources.

HP2. Identify, Evaluate, and Designate Historic Resources.

HP2.1 Implement a new survey to identify and evaluate all types of historic resources on the West Side, including buildings, structures, objects, bridges, stairs, archaeological sites, districts, and landscapes.

HP2.2 Develop and maintain a database compatible with the SHPO's and the City's GIS and other systems. Enter results from survey work and any other new, relevant information.

HP2.3 Utilize existing historic contexts and develop new ones to allow for the continual identification of a full spectrum of historic resources.

HP2.4 Identify and evaluate historic resources systematically and comprehensively.

HP2.5 Evaluate properties based on historic contexts, reconnaissance surveys, and applicable designation criteria to determine their potential significance as well as their potential eligibility for designation as a heritage preservation site by the City and for listing on the National Register of Historic Places.

HP2.6 Forward properties that appear to be potentially eligible for listing on the NHRP to the SHPO for an official determination of eligibility.

HP2.7 Forward significant historic resources to the City (HPC) for designation as heritage preservation sites or historic districts.

HP3. Preserve and Protect Historic Resources.

HP3.1 Use design review controls in conjunction with WSCO committees to protect designated historic resources, including archaeological sites, from destruction or alterations that would compromise their historic significance.

HP3.2 Protect undesignated historic resources that are eligible or potentially eligible for local or national designation.

HP4. Use Preservation to Further Economic Development and Sustainability.

HP4.1 Rehabilitate key historic resources to serve as a catalyst for development in adjacent areas.

HP4.2 Integrate historic properties into new development.

HP4.3 Inform developers of opportunities that are based on preservation.

HP4.4 Invest in historic resources along transit corridors (Smith Avenue, Robert Street, George Street, Wabasha).

HP5. Preserve Areas with Unique Architectural, Urban and Spatial Characteristics.

HP5.1 Determine the character-defining features of each neighborhood that should be preserved; incorporate these features into area plans and master plans for new development.

HP5.2 Increase community awareness about the distinctive features and characteristics of the West Side's neighborhoods.

HP5.3 Explore the creation of neighborhood conservation districts.

HP6. Provide Opportunities for Education and Outreach.

HP6.1 Identify and mark significant historic resources.

HP6.2 Partner with the City and with other organizations to educate property owners and developers on methods and incentives for historic preservation.; and

**NOW THEREFORE, BE IT RESOLVED**, that the Heritage Preservation Commission makes the following recommendations for changes and/or additions to the West Side Community Plan for further consideration by the Saint Paul Planning Commission and City Council:

1. Insert a map within the Historic Preservation chapter or as an appendix that shows all designated and surveyed properties as a baseline and for supporting future survey work.
2. Include a listing of completed context studies that are applicable for the West Side.
3. Clarify strategy HP2.2 to read: *Conduct new cultural resource surveys in accordance with the State Historic Preservation Office and Heritage Preservation Commission standards, including the development and collection of data and dissemination in electronic formats.*
4. Insert a new strategy that states: *Continue to support the preservation and maintenance of designated sites and encourage compatible uses so they continue to remain community assets.*
5. Consider clarifying strategy HP4.3 to read: *Assist developers with identifying historic preservation opportunities for economic development.*
6. Add a sentence to HP2.1 that states that survey work should be carried out prior to implementing other strategies in the Plan. Also, completing survey work should become a higher priority in the Implementation Section on page 38; now

**FURTHER, BE IT RESOLVED,** that the Heritage Preservation Commission generally finds the objectives in the West Side Community Plan to be a strong pro-preservation statement that supports the Historic Preservation Chapter in the Comprehensive Plan; and

**FINALLY, BE IT RESOLVED,** that the Heritage Preservation Commission finds, with the above recommendations, the West Side Community Plan to be consistent with the City's policy to protect and promote the heritage of the City of Saint Paul and to preserve our architecturally and culturally diverse historic resources.

<b>MOVED BY</b>	<b>Ferguson</b>
<b>SECONDED BY</b>	<b>Dana</b>

<b>IN FAVOR</b>	<b>9</b>
<b>AGAINST</b>	<b>0</b>
<b>ABSTAIN</b>	



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6565  
Facsimile: 651-228-3261*

December 5, 2012

**To: Planning Commission**

**From: Kate Reilly** (266-6618; [kate.reilly@ci.stpaul.mn.us](mailto:kate.reilly@ci.stpaul.mn.us))

**Re: Highland Special District Sign Plan amendments public hearing**

On July 14, 2011 the Planning Commission initiated a study, undertaken by a task force, of the Highland Village Special District Sign Plan. The task force was made up of members of the Highland Business Association and the Highland District Council. The group met between July 2011 and May 2012 and made recommendations to amend the plan and plan area. The recommendations are modeled on those made for the 2009 update of the Grand Avenue Special District Sign Plan. They clarify language and amend the area to which the sign plan applies.

The Highland Village Special District Sign Plan was originally drafted by the Highland Village Planning Committee and adopted by the City Council in 1985. It applies to the area shown on Attachment B. In February, 2011 the Highland District Council requested review of the Highland Village Special District Sign Plan. At the same time, the Highland Business Association recommended that signs with dynamic display be prohibited within the sign district, and the Highland District Council supported this recommendation.

The draft amendments and their rationale are detailed in the documents distributed at the November 2, 2012 meeting. Primarily the changes result in a sign plan that follows more closely the style of the existing zoning code by clearing up unnecessary and ambiguous language. In addition, the draft plan expands the area of the sign district to the Ford site and up to Snelling Avenue. One of the principal changes to the document is the addition of a prohibition on dynamic display signs.

The public hearing will be held at the December 14, 2012 regular meeting of the Planning Commission. Public comments will be accepted by the Department of Planning and Economic Development until 4:30 on Monday, December 17, 2012.

For further information, or another copy of the study recommendations, please contact City Planner Kate Reilly (266-6618 or [kate.reilly@ci.stpaul.mn.us](mailto:kate.reilly@ci.stpaul.mn.us)).

## Reilly, Kate (CI-StPaul)

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**From:** Lane, Wendy (CI-StPaul)  
**Sent:** Thursday, December 06, 2012 4:41 PM  
**To:** Reilly, Kate (CI-StPaul)  
**Subject:** Highland Village Signs

Kate,

I have reviewed the draft Amendments to the Highland Village Special District Sign Plan and have some observations.

It appears that the Highland Village amendments would mimic the Grand Ave. Special District Sign Plan in a number of areas. The Grand Ave. Plan was adopted in August 2009 prior to the signs with dynamic display amendments in Feb. 2010, the Central Corridor/Traditional Neighborhood amendments in June 2011, and the Window Sign amendments in Feb. 2012. Some of the Grand Ave. Plan requirements are inconsistent with the subsequent ordinances and therefore some of the language in the Highland Village Special District Sign Plan adopted from the Grand Ave. Plan should be updated.

### Procedures (1<sup>st</sup> paragraph)

Notifying the District Council by email when a sign permit is submitted can be done automatically. Once staff has reviewed a sign permit application and verified compliance with the applicable standards, the plans are entered into the computer and the permit is issued. I just want to note that if the District Council wants a copy of the plans they will not be available electronically until after the permit has been issued.

### Business Signs (3<sup>rd</sup> paragraph, 1<sup>st</sup> sentence)

Including portable signs, temporary signs and *interior* window signs in the maximum square footage of business signs allowed is impractical. Portable signs are only allowed for 4 nonconsecutive times per calendar year and for a period of not more than 14 days per time and temporary signs are allowed for 3 nonconsecutive times per calendar year for a period of not more than 30 days per time or once per year for 90 days. When a sign company applies for a permit, there may or may not be temporary and portable signs in use that day, but maybe they are used periodically. The sign company usually applies for a sign permit whereas the business owner usually puts up temporary or portable signs which the sign company may not be aware of.

Additionally, the existing signs in the Highland Village Special Sign District were installed signs when the maximum square feet of signage allowed was 2 times the lot frontage. By reducing the amount of signage to 1 times the lot frontage (or 1½ times the lot frontage if the traditional neighborhood regulations are followed), there will be many businesses that exceed that standard, making the signs legally nonconforming. If temporary and portable signs are included in the total allowable square footage, they will never be allowed because the amount of signage already exceeds the maximum. If the intent is to prohibit temporary and portable signs altogether, the Plan could just say that.

There are two types of window signs under the sign ordinance: interior and exterior. According to Section 64.125.W, *window sign, interior* is defined as: "A sign placed on or behind and within four (4) feet of a window or within the window display area that is oriented toward the street and plainly visible from an adjoining street, sidewalk or other public right-of-way, but excluding skyways." There is no definition for an exterior window sign. Staff has regulated signs on the outside of windows the same as any other business sign: a permit is required and they are included in the total square feet of signage allowed on the property. Sign permits are not required for interior signs.

In summary, my recommendation is to consider amending the first sentence of this paragraph to say: "Business signs may take the form of freestanding signs, projecting signs, wall signs and exterior window signs."

### Signs with Dynamic Display

I'd like to make sure that the impact of prohibiting any sign with dynamic display is clear. It would mean that electronically changeable gas station signs would not be permitted. New or moved gas station signs could not have dynamic display pricing, which is now the industry norm. Interior signs with dynamic display are regulated the same as exterior dynamic display signs, so this change would prohibit them as well. The most commonly affected type of interior dynamic display sign would be the lottery signs with electronically changeable jackpot amounts. Now that dynamic display signs are allowed for institutional uses in residential zoning districts, the greatest increase in the use of these signs in the past couple of years has been for churches and schools.

### Window Signs

The sign ordinance makes a distinction between interior and exterior signs and it would be practical to make that same distinction here instead of between permanent and temporary window signs.

Thanks for considering my comments.

Wendy Lane  
Zoning Administrator  
Saint Paul Department of Safety and Inspections  
375 Jackson St., Suite 200  
Saint Paul, MN 55101  
651-266-9081

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, December 6, 2012 3:30 P.M.  
City Council Chambers, Room #300  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF NOVEMBER 20, 2012, ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**NEW BUSINESS**

- 1      12-116-679 William Mitchell College of Law**  
Conditional use permit for expansion of campus boundary to include 918 Portland Ave/46 Milton St and 889 Portland Ave, between Milton and Victoria  
R2  
Michelle Beaulieu      651-266-6620
  
- 2      12-212-747 Justin Waggoner**  
Change of nonconforming use from 10 unit roominghouse to 4 unit multi-family dwelling  
361 Bates Ave, between 6th and 5th  
RT1  
Kate Reilly      651-266-6618

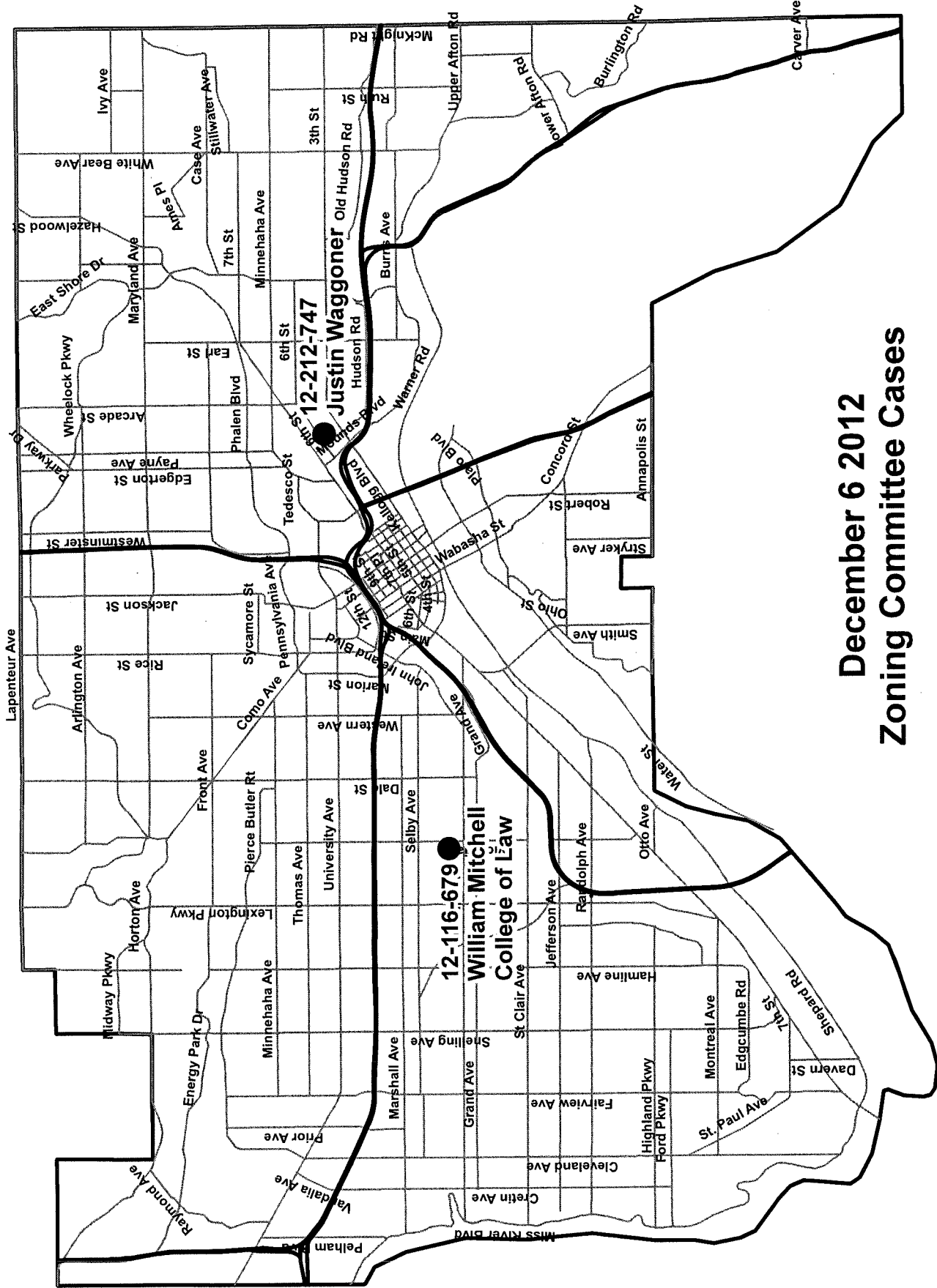
**ADJOURNMENT**

Information on agenda items being considered by the Zoning Committee can be found online at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), then Planning, then Zoning Committee.

**ZONING COMMITTEE MEMBERS:** Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.





## December 6 2012 Zoning Committee Cases

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** William Mitchell College of Law **FILE #** 12-116-679
2. **APPLICANT:** William Mitchell College of Law **HEARING DATE:** December 6, 2012
3. **TYPE OF APPLICATION:** Conditional Use Permit
4. **LOCATION:** 46 Milton St N/918 Portland Ave and 889 Portland Ave between Milton and Victoria
5. **PIN & LEGAL DESCRIPTION:** Part of 022823240151, Wanns Subdivision Of Block21 Lots 1 Thru Lot 30 and 022823240050, Summit Park Addition Tost Pa Lot 22 Blk 20
6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** R2 (46 Milton) and R4 (889 Portland)
7. **ZONING CODE REFERENCE:** §65.220; §61.501
8. **STAFF REPORT DATE:** October 31, 2012 **BY:** Michelle Beaulieu
9. **DATE RECEIVED:** October 12, 2012 **60-DAY DEADLINE FOR ACTION:** December 11, 2012\*

\*At the request of the applicant, the deadline for action has been extended to January 9, 2013

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- A. **PURPOSE:** Conditional use permit for expansion of the campus boundary to include 46 Milton St N/918 Portland Ave and 889 Portland Ave.
- B. **PARCEL SIZES:** 46 Milton St N: 44 ft (Milton) x 78.5 (Portland), or 3,454 sq ft  
889 Portland Ave: 40 ft (Portland) x 152 ft, or 6,080 sq ft
- C. **EXISTING LAND USE:** N-College/University
- D. **SURROUNDING LAND USE:**  
North: Church, R4 (north of 46 Milton) and Single-Family Residential, RT1 (north of 889 Portland)  
East: Campus, R2 (east of 46 Milton) and Single-Family Residential, R4 (east of 889 Portland)  
South: Campus, R2 (both)  
West: Single-Family Residential, R4 (both)
- E. **ZONING CODE CITATION:** §65.220 lists conditions and standards for college, university, seminary, or similar institutions of higher learning, and defines the required content of an "anticipated growth and development statement" to be submitted as part of any application for a college, university or seminary boundary expansion. §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** A special condition use permit designating the William Mitchell College of Law campus boundaries, and regulating campus parking, was issued in 1986 (Z.F. #9953). The campus boundary was drawn as the block bounded by Portland Avenue to the north, Victoria Street N to the east, Summit Avenue to the south, and Milton Street N to the west, with the exception of the property at 46 Milton Street N/918 Portland Avenue (at the corner of Portland Avenue and Milton Street N). The campus boundary has not changed in the interim. Parking regulations were set based on student enrollment (part-time or full-time living off-campus, whichever is larger), number of dormitory beds, and employment.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council has not made any recommendations at the time this staff report was completed.
- H. **FINDINGS:**
  1. The property at 889 Portland Avenue was acquired by William Mitchell College of Law in 2000 with the intent to use the building as a residence for new or visiting faculty and to charge market rent or permit short-term rent-free use. It was used as such for a number of years. The property at 46 Milton St N / 918 Portland Avenue was purchased by William Mitchell in 2008, after the previous owner approached the College for the sale. After this purchase, both properties were listed with a residential rental agent to be rented to unrelated third parties (not William Mitchell students), but no suitable renters were found. The change from residential use to office use for both properties happened between 2008 and 2009, and office use has continued there since.

2. The properties included in the expansion of the campus boundary are located in the Hill Historic District. All exterior work to properties within the current and proposed expanded campus boundaries is subject to review by the Heritage Preservation Commission and/or Heritage Preservation staff.
3. §65.220 (f) defines the required content of an "anticipated growth and development statement" to be submitted as part of any application for a college, university or seminary boundary expansion:

*The boundaries of the institution shall be as defined in the permit, and may not be expanded without the prior approval of the planning commission, as evidenced by an amended conditional use permit. The campus that is defined by the boundaries shall be a minimum of three (3) acres, and all property within the campus boundaries must be contiguous. This condition is met. The proposed expanded William Mitchell College of Law campus is 6.52 acres, and all properties within the proposed campus boundaries are contiguous.*

*The applicant shall submit an "anticipated growth and development statement" for approval of a new or expanded campus boundary, which statement shall include but not be limited to the following elements:*

- (1) *Proposed new boundary or boundary expansion.* The applicant describes a proposed expansion of the campus boundary to include the property at 46 Milton Street N/918 Portland Avenue, which is on the same block as the existing campus, and the property at 889 Portland Avenue, which is across Portland Avenue from the existing campus. The total area of the proposed additions is 9,534 square feet.
- (2) *Enrollment growth plans... over the next ten (10) years and also the anticipated maximum enrollment over the next twenty (20) years.* The applicant states that the College does not plan or anticipate any change in enrollment associated with this proposed expansion of the campus boundary. The College's total enrollment for the fall of 2012 is 924 students, including 640 full-time and 284 part-time students. In 2005, enrollment was 1,114 students, the highest it has been in recent years. The applicant has stated that enrollment in the program fluctuates and may increase to previous levels at some point in the future, but that the College does not anticipate any significant enrollment increase over the next ten to twenty years, and that any enrollment increase within these historic norms can be accommodated on the existing campus.
- (3) *Plans for parking facilities over the next ten (10) years, including potential locations and approximate time of development.* The College does not plan or anticipate any change in parking facilities over the next (10) years. The occupants of 46 Milton Street N and 889 Portland Avenue will continue to utilize the College's existing parking facilities, which include sufficient off-street parking spaces to fulfill the required minimums defined by the Zoning Code. Using 2011 data, the most recent officially recorded with the City, William Mitchell College of Law is required to provide a minimum of 212 off-street parking spaces for students and employees. They currently provide 339 off-street parking spaces.
- (4) *Plans for the provision of additional student housing, either on-campus or off-campus in college-controlled housing.* The College does not currently provide any student housing, and has no plans to begin providing on- or off-campus student housing in the future.
- (5) *Plans for use of land and buildings, new construction and changes affecting major open space.* The College plans on using the existing buildings located at 46 Milton Street N and at 889 Portland Avenue for offices. The College is not currently planning any new construction or changes affecting major open space on its campus.
- (6) *An analysis of the effect this expansion will have on the economic, social and physical well-being of the surrounding neighborhood, and how the expansion will benefit the broader community.* The College has been using the two residential structures at 46 Milton Street N

and at 889 Portland Avenue for office purposes for several years and is not aware of an effect, either positive or negative, of such use on the well-being of the surrounding neighborhood or broader community.

*Approval of new or expanded campus boundary shall be based on an evaluation using the general standards for conditional uses found in §61.500, and the following criteria:*

- (i) Anticipated undergraduate student enrollment growth is supported by plans for student housing that can be expected to prevent excessive increase in student housing demands in residential neighborhoods adjacent to the campus.* This criterion does not apply. William Mitchell College of Law has no undergraduate students. It confers a graduate degree of Juris Doctor, and offers a small LLM program to international students.
- (ii) Potential parking sites identified in the plan are generally acceptable in terms of possible access points and anticipated traffic flows on adjacent streets.* This criterion does not apply. The proposed expansion does not include any new parking sites. Existing parking sites meet the minimum parking requirements for the William Mitchell campus, and the minimum requirements do not change with the proposed boundary change.
- (iii) Plans for building construction and maintenance of major open space areas indicate sensitivity to adjacent development by maintaining or providing adequate and appropriately located open space.* This criterion does not apply. The applicant has no plans for building construction or new major open space areas at 46 Milton Street N or 889 Portland Avenue.
- (iv) The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the City's comprehensive plan.* This criterion is satisfied. No aspect of the boundary expansion or the "anticipated growth and development statement" is in conflict with the City's comprehensive plan.

4. §61.501 lists five standards that all conditional uses must satisfy:

- (1) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition met. Land Use policy 1.57 of the Saint Paul Comprehensive Plan is to "encourage communication between educational institutions and residents of the community when those institutions seek to expand or make significant changes to their campuses." The applicant has contacted the Summit-University District Council to discuss this expansion.
- (2) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed boundary expansion will not change any existing ingress or egress points. Campus parking and parking requirements remain unchanged, and will therefore not affect traffic in the public streets.
- (3) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed boundary expansion will extend campus use to two existing buildings. The building at 46 Milton Street N is on the same block as the rest of the William Mitchell campus. The building at 889 Portland Avenue is across the street from the existing campus. Both buildings, as well as the current campus boundaries, are located in the local and National Register Hill Historic District. Both the National Register and local nomination forms address the established character for the Hill and Summit Avenue West Historic Districts. 46 Milton Street N and 889 Portland Avenue will both be used for offices, with minimal or no external changes to the structures. This use will not be detrimental to the

existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed boundary expansion includes two existing buildings, and the College has no plans for construction on those properties. There should be no affect on surrounding property for uses permitted in the district.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed boundary expansion conforms in all other respects to applicable regulations.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit expanding the William Mitchell College of Law campus boundary to include 46 Milton St N/918 Portland Ave and 889 Portland Ave between Milton and Victoria, with the following conditions:

1. That all conditions attached to the existing conditional use permit, approved in 1986 (Z.F. #9953), remain in effect.
2. That William Mitchell use the property at 889 Portland Avenue for offices or residences for new or visiting faculty only.
3. That future proposed alterations, repair, new construction or demolitions be submitted for review by the Heritage Preservation Commission, in accordance with §73.06.

## Request for Continuance

Date November 5, 2012

Gauis Nelson, Chair  
Zoning Committee  
City of Saint Paul  
1400 City Hall Annex  
Saint Paul, Minnesota 55102

Re: Zoning File # 12-116679

Dear Mr. Nelson:

I am the applicant's duly appointed representative for this zoning file.

I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on November 8, 2012.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for November 16, 2012, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to December 6, 2012, and I understand that the Planning Commission would then be scheduled to make their decision on December 14, 2012.

I am aware of and understand the statutory requirements found in Minn. Statute § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 by 28 days to January 9, 2013, to accommodate the continuance I am requesting.

Sincerely,



Signature of Applicant or  
Applicant's duly appointed  
representative.

Kathleen M. Panciera  
Printed name of Applicant or  
Applicant's duly appointed  
representative.

2/25/2010



CONDITIONAL USE PERMIT APPLICATION  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only

File #: 12-116679

Fee: 800

Tentative Hearing Date: 11-8-12

PD=8

022823240151  
022823240050

APPLICANT

Name WILLIAM MITCHELL COLLEGE OF LAW  
Address 875 SUMMIT AVENUE  
City SAINT PAUL St. MN Zip 55105 Daytime Phone \_\_\_\_\_  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) KATHLEEN M. PANCIERA Phone 651-290-7522

PROPERTY  
LOCATION

Address/Location 46 MILTON ST. N AND 889 PORTLAND AVENUE  
Legal Description SEE ATTACHED EXHIBIT A  
Current Zoning R-2 / RH  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

Chapter 61, Section 61.504, Paragraph (e), of the Zoning Code, and  
CHAPTER 65, SECTION 65.220, PARAGRAPH (F)

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

SEE ATTACHED EXHIBIT B

CK  
246483  
800<sup>00</sup>

☒ Required Site Plan is attached SEE EXHIBIT C

Applicant's Signature

K M Panciera  
VP Finance  
for William Mitchell  
College of Law

Date 10/12/12 City Agent

pd  
10-12-12

## **EXHIBIT A**

### **Legal Descriptions**

1. 889 Portland Avenue is legally described as Lot 22, Block 20, Summit Park Addition, Ramsey County, Minnesota
2. 46 Milton Street N. is legally described as the Northerly 44.30 feet of Lots Fourteen (14) and Fifteen (15), Wann's Subdivision of Block 21, Summit Park Addition, Ramsey County, Minnesota



## EXHIBIT B TO CONDITIONAL USE PERMIT APPLICATION

### Anticipated Growth and Development Statement

Applicant is seeking an amendment to the Conditional Use Permit currently issued for 875 Summit Avenue (William Mitchell College of Law) to expand the campus boundary to include two residential parcels, 46 Milton Street N. and 889 Portland Ave, which Applicant has owned and used for office space for several years. As required by Section 65.220 of the Zoning Code, Applicant submits the following "Anticipated Growth and Development Statement."

(1) **Proposed new boundary or boundary expansion.** Applicant proposes to expand the boundary of the existing Conditional Use Permit for the College to include 46 Milton Street N. and 889 Portland Ave, which are highlighted in yellow on the attached Site Plan. It is the College's understanding that the boundaries of the current Conditional Use Permit are as outlined in blue on the attached Site Plan.

(2) **Enrollment growth plans that include planned or anticipated maximum enrollment by major category (full-time, part-time, undergraduate, graduate) over the next ten (10) years and also the anticipated maximum enrollment over the next twenty (20) years.** The College uses 46 Milton Street N. and 889 Portland Ave for office uses, so the College does not plan or anticipate any change in enrollment associated with the expansion of the boundaries of the Conditional Use Permit to include 46 Milton Street N. and 889 Portland Ave.

The College has no undergraduate students and confers a graduate degree of Juris Doctor. It also offers a small LLM program to international students. In the fall of 2005, the College's total full-time enrollment in its J.D. program was 732 and part-time enrollment in the program was 382, for a total enrollment of 1,114. Between 2005 and fall of 2009, enrollment dropped slightly each year before rising again in fall of 2010 (to 1,013). The fall, 2012, full-time J.D. enrollment was 640 and part-time enrollment was 284, for a total of 924 students. Enrollment in the program fluctuates and may increase to previous levels at some time in the future, but the College does not anticipate any significant enrollment increase over the next ten to twenty years. Any enrollment increase within historical norms can be accommodated on the existing campus.

(3) **Plans for parking facilities over the next ten (10) years, including potential locations and approximate time of development.** The occupants of 46 Milton Street N. and 889 Portland Ave utilize the College's existing parking facilities, and the College does not plan or anticipate any change in parking facilities associated with the expansion of the boundaries of the Conditional Use Permit to include 46 Milton Street N. and 889 Portland Ave.

As noted above in answer to question #3, the College does not plan or anticipate an increase in enrollment over historical norms and has no plans to change its current parking arrangements.

(4) **Plans for the provision of additional student housing, either on-campus or off-campus in college-controlled housing.** The College does not provide any student housing today and has no plans to provide such housing (either on or off-campus) in the future. When the College first acquired the Portland building in 2000, the intent was to use the building as a residence for new or visiting faculty, and to charge market rent (or, in certain circumstances to permit short-term rent-free use), and that is how the building was used for a number of years. The owner of the Milton house approached the College as a buyer because the house is contiguous to the main campus. After the Milton house was purchased in 2008, the College hired a residential rental agent to see if both houses could be rented to unrelated third parties (not Mitchell students), but no suitable renters were found. The change from residential to office use happened primarily in 2008 and 2009 and has continued since that time

(5) **Plans for use of land and buildings, new construction and changes affecting major open space.** The College plans on using the existing buildings located at 46 Milton Street N. and 889 Portland Ave and is not currently planning any new construction or changes affecting open space at those locations. The College has no plans for any other new construction or changes affecting major open space.

(6) **An analysis of the effect this expansion (or new campus) will have on the economic, social and physical well-being of the surrounding neighborhood, and how the expansion (or new campus) will benefit the broader community.** The College has been using the two residential structures located at 46 Milton Street N. and 889 Portland Ave for office purposes for several years and is not aware of an effect, either positive or negative, of such use on the economic, social and physical well-being of the surrounding neighborhood or the broader community. As noted above, the purpose of this application is to bring the current use of the two houses within the approved use of the main campus buildings and not to expand the current footprint.

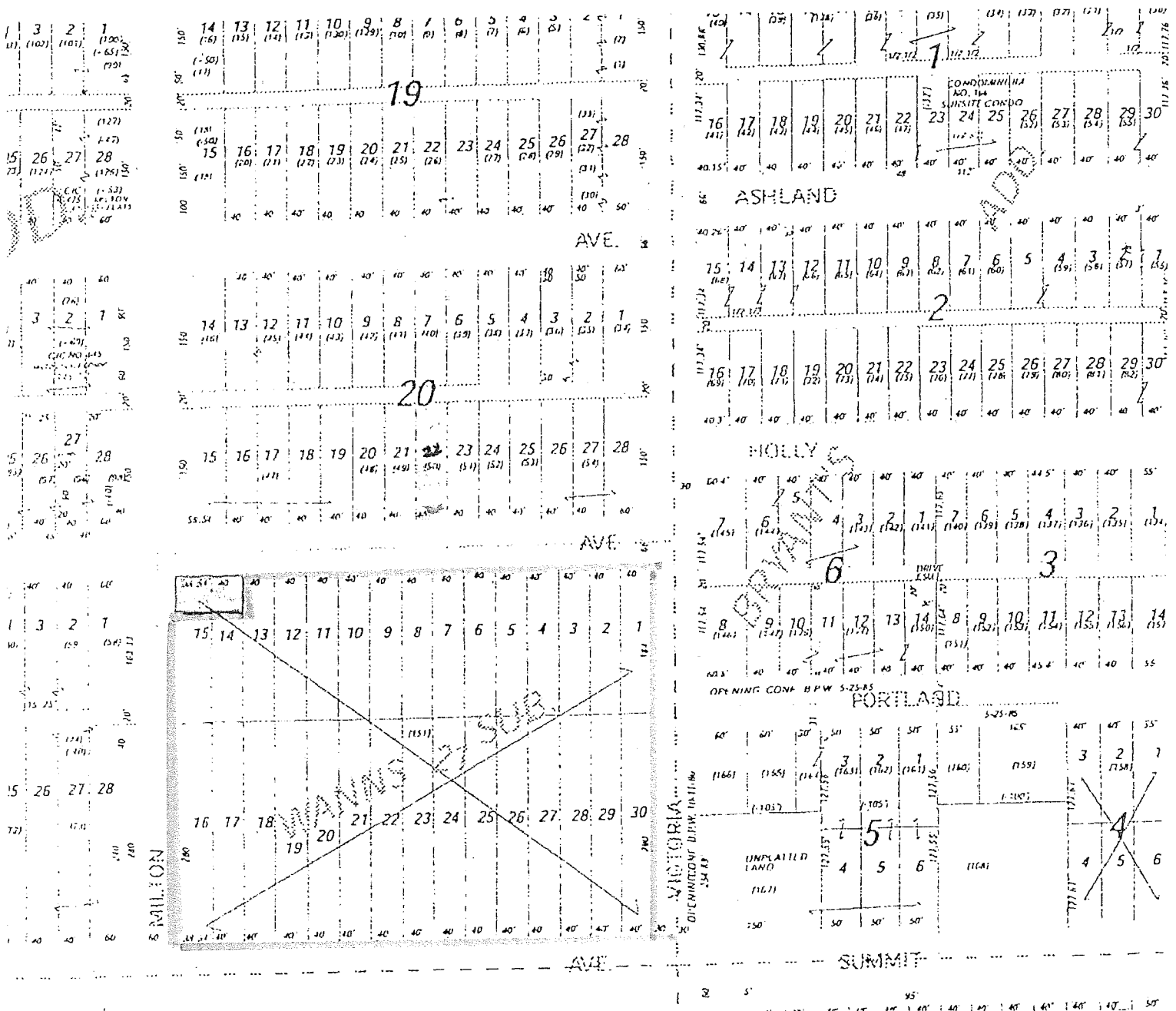


EXHIBIT C  
SITE PLAN

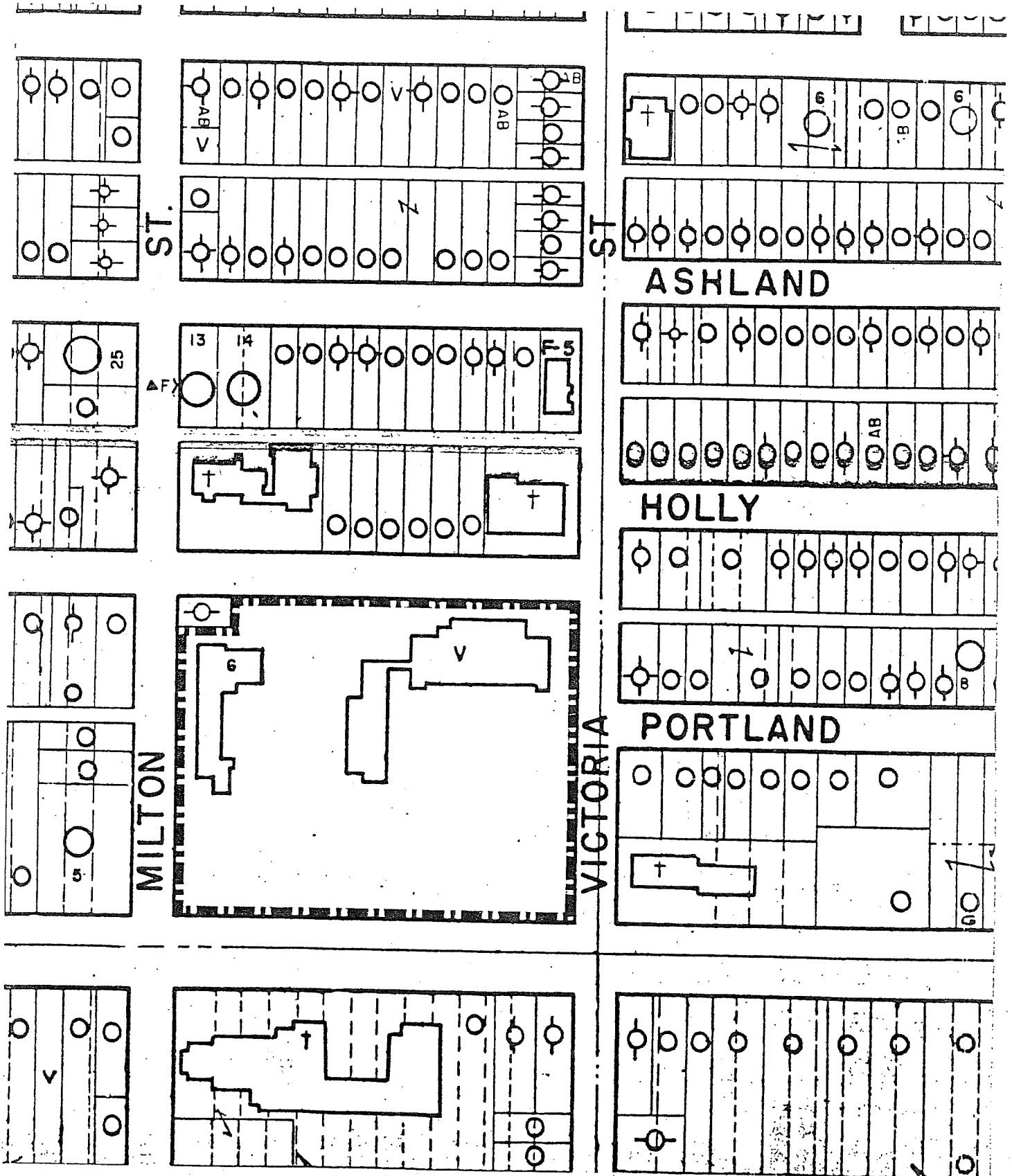
#9953

# WILLIAM MITCHELL COLLEGE OF LAW

EXHIBIT A

August 21, 1986

..... Recommended Campus Boundary



city of saint paul  
planning commission resolution  
file number 86-83  
date August 22, 1986

WHEREAS, William Mitchell College of Law, file #9953, has applied for a Special Condition Use Permit under the provisions of Sections 60.413(6) and 64.300 Subd. 3 of the Saint Paul Legislative Code, for the purpose of establishing a campus boundary and monitoring compliance with Zoning Code parking requirements on property located at 875 Summit Avenue (legal description attached); and

WHEREAS, the Zoning Committee of the Planning Commission on August 21, 1986, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of Section 64.300 of the Saint Paul Legislative Code; and

WHEREAS, Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as subsequently reflected in the minutes, made the following findings of fact:

1. Section 60.413(6) of the Zoning Code regulating colleges, universities, and seminaries as special condition uses requires 5 conditions. These conditions are met as follows:

- a. "Principal access to said site shall be directly from a major thoroughfare as designated on the major thoroughfare plan."

Principal access to the site is from Portland Avenue, which is considered a residential street and not a major thoroughfare. However, the College is grandfathered in since it predates the requirement.

- b. "No building shall be closer to any property line than a distance equal to the height of the building or 50 feet, whichever is greater."

All existing campus buildings either meet the code requirement or are grandfathered in as legally nonconforming. New construction must meet the requirement or receive a modification from the Planning Commission.

- c. "The boundaries of the institution shall be as defined in the permit and may not be expanded without the prior approval of the Planning Commission."

A map of the proposed boundary for the William Mitchell campus is attached.

(continued)

moved by Pangal  
seconded by Repke  
in favor Unanimous voice vote  
against

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

File #9953  
Page Two

- d. "The institution shall not exceed by more than 10 percent the student enrollment, employee size and/or dormitory bed levels identified in the permit unless required off-street parking is provided and approved by the Planning Commission."

As of fall semester of 1985, William Mitchell had the following student, employee, dormitory bed, and parking levels:

Employees: 212  
Dormitory beds: 0  
Full-time students living off-campus: 264  
Part-time students: 845  
On-campus parking spaces: 106

According to figures provided in the College Zoning Task Force Report and updated to Fall, 1985, William Mitchell is 246 spaces short of meeting the current Zoning Code requirement of 352 spaces. Of the shortfall, 221 spaces are grandfathered in as a legal nonconformance and 25 spaces are legally required to be provided.

The base level of employees, dormitory beds, and part-time students is 1,057. (Full-time students living off campus would be counted when and if they ever outnumber part-time students.) The ten percent increase that would trigger the need for additional parking is 1,163. The Zoning Code parking requirement for this increase is one space for every three students (full-time living off-campus or part-time, whichever is greater), employees, and dormitory beds. However, since William Mitchell has an existing legal deficiency of 25 spaces, the ten percent level increase for which additional parking must be provided should be adjusted downward to 1,088 ( $1,163 - [25 \times 3] = 1,088$ ). The additional parking that must be provided when the base level reaches 1,088 is 35 spaces.

- e. This condition establishes the authority of the Planning Commission to issue special condition use permits for existing institutions to set campus boundaries and monitor compliance with parking requirements.

By issuing this permit, the Planning Commission fulfills its authority.

(continued)

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

File #9953  
Page Three

2. In order to adequately monitor this permit and to insure that the parking standards are met, William Mitchell must annually report its fall enrollment, faculty and staff, dormitory bed, and parking space levels to the Planning Division by January 31 of the following year. These figures can then be used to assess the need for more off-street parking.

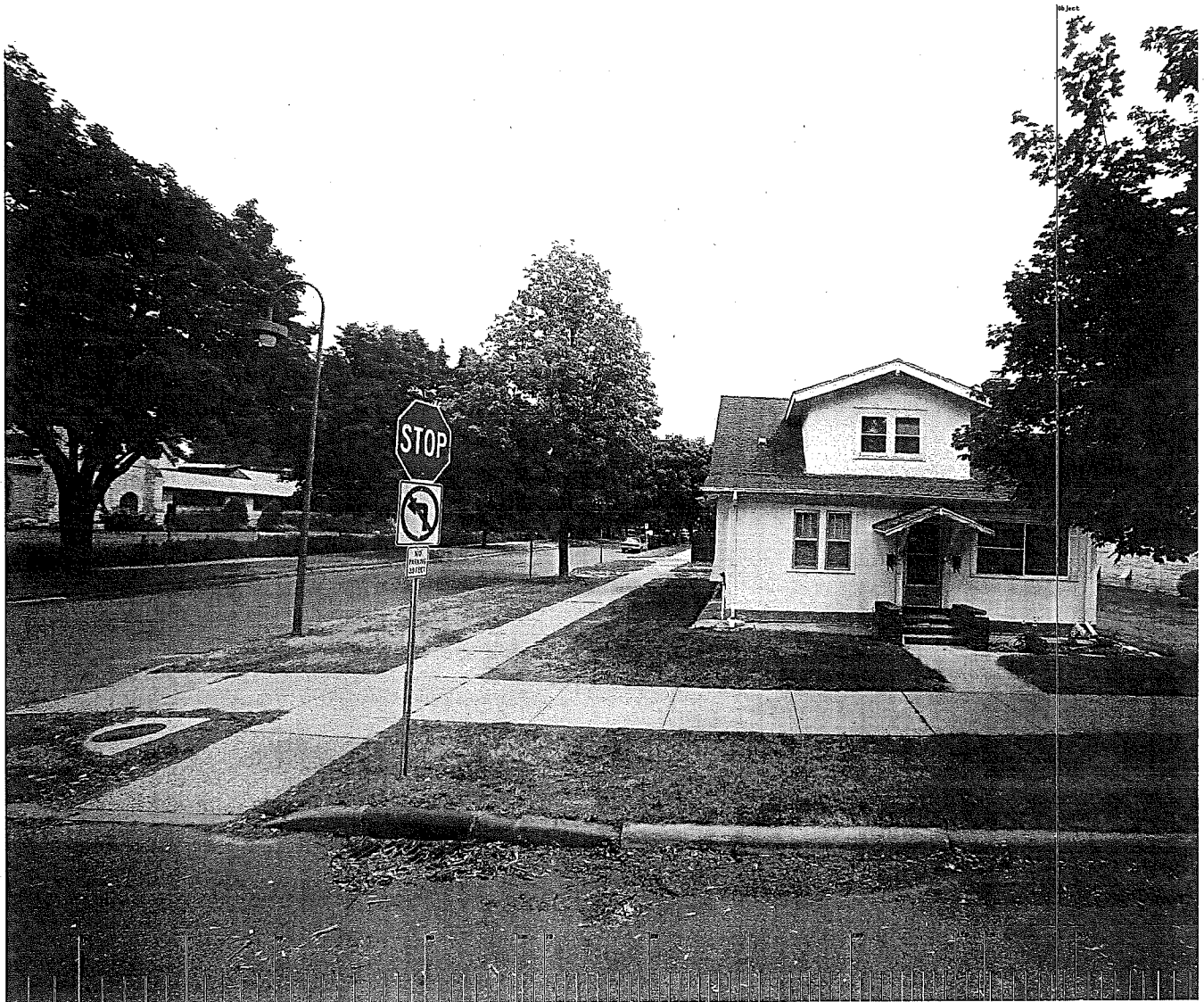
NOW, THEREFORE, BE IT RESOLVED, that acting pursuant to Section 60.413(6)(e) of the Saint Paul Zoning Code, the Planning Commission does hereby approve and issue a Special Condition Use Permit to William Mitchell College of Law for its property at 875 Summit Avenue, and the Planning Commission does hereby make the following determinations:

1. William Mitchell College of Law's boundaries are hereby established and as set forth on the attached map, which map is marked "Exhibit A" and dated August 21, 1986, and incorporated into this resolution.
2. The existing off-street parking provided as of this date is as follows: 106 spaces.
3. The student enrollment as of Fall semester, 1985, is as follows:  
  
Full-time students living off-campus - 264  
Part-time students - 845
4. The staff and employee size as of Fall semester, 1985, is as follows: 212.
5. The dormitory bed level as of this date is as follows: 0 beds.

This Special Condition Use Permit is made expressly subject to the following conditions:

1. William Mitchell will not expand a law school use to any property outside of the campus boundary as defined in this permit unless a modification of the boundary is granted by the Planning Commission;
2. Every January 31 William Mitchell will report in writing to the Planning Division staff the number of employees, students, dormitory beds, and parking spaces for the previous fall term;
3. Additional parking spaces will be provided as required whenever the base level of employees, dormitory beds, and part-time students identified in the permit increases by a minimum of 10 percent to 1,088 (as adjusted above).

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_





# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

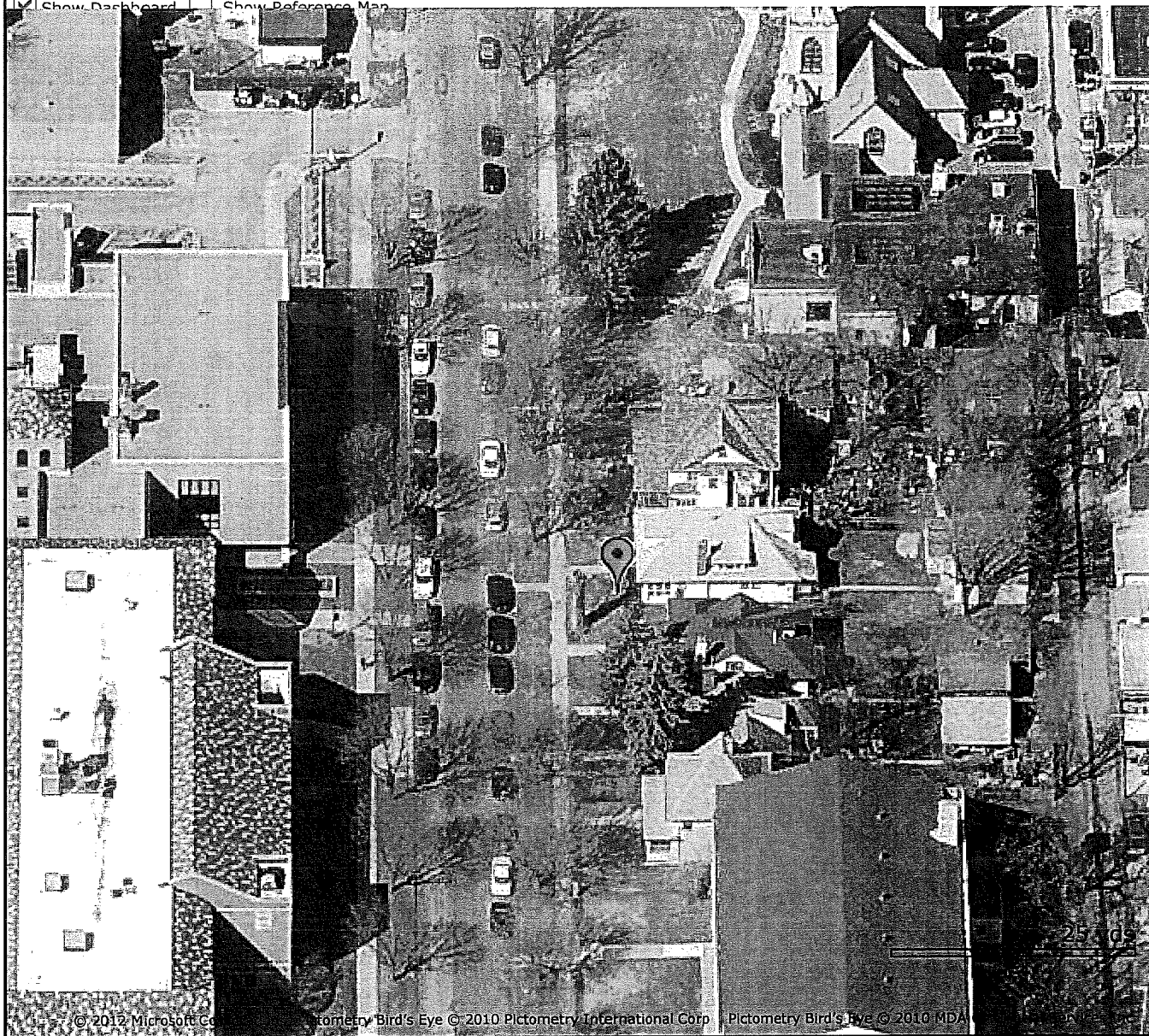
☒ Show Dashboard ☐ Show Reference Map



# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☐ Show Reference Map

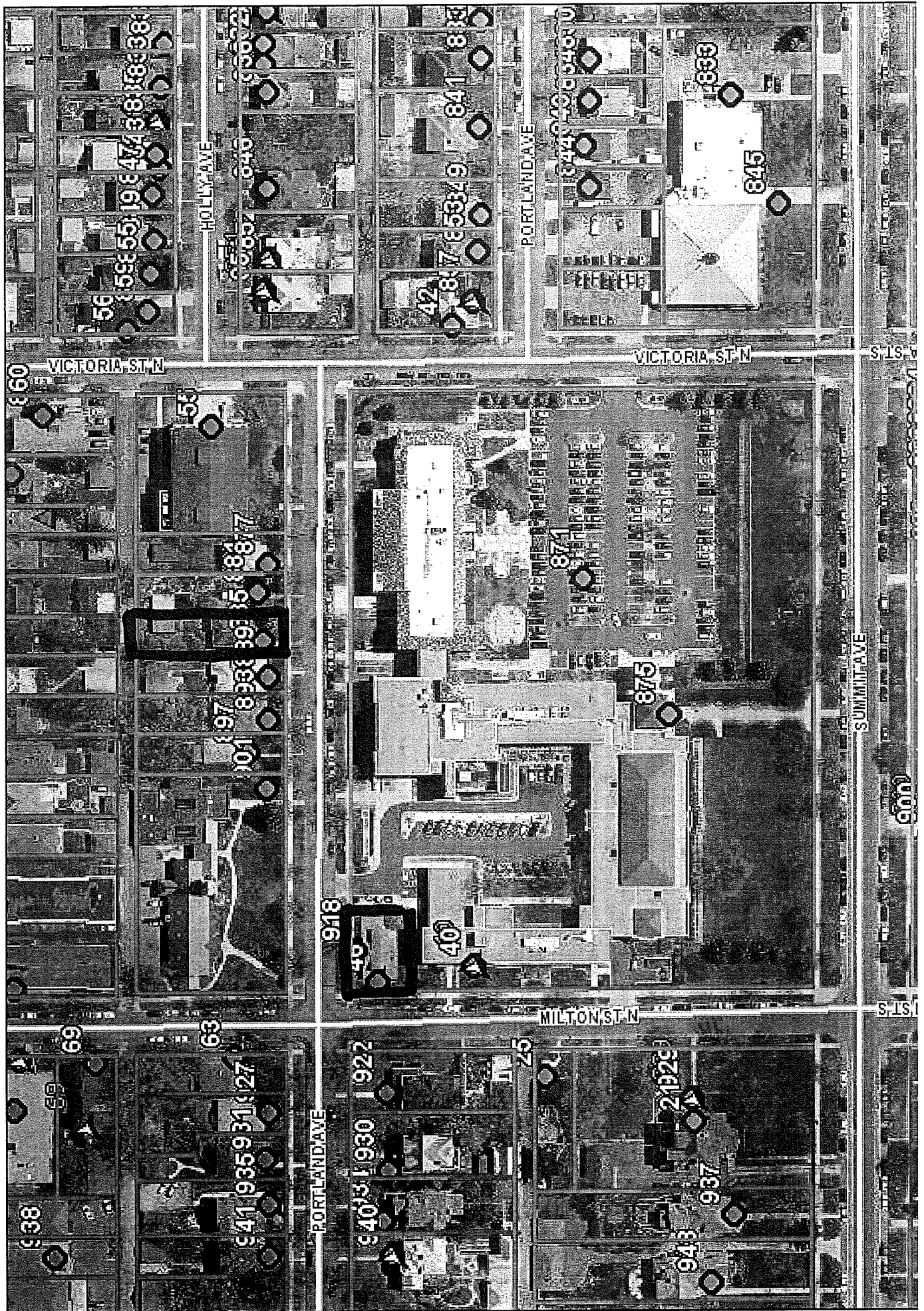


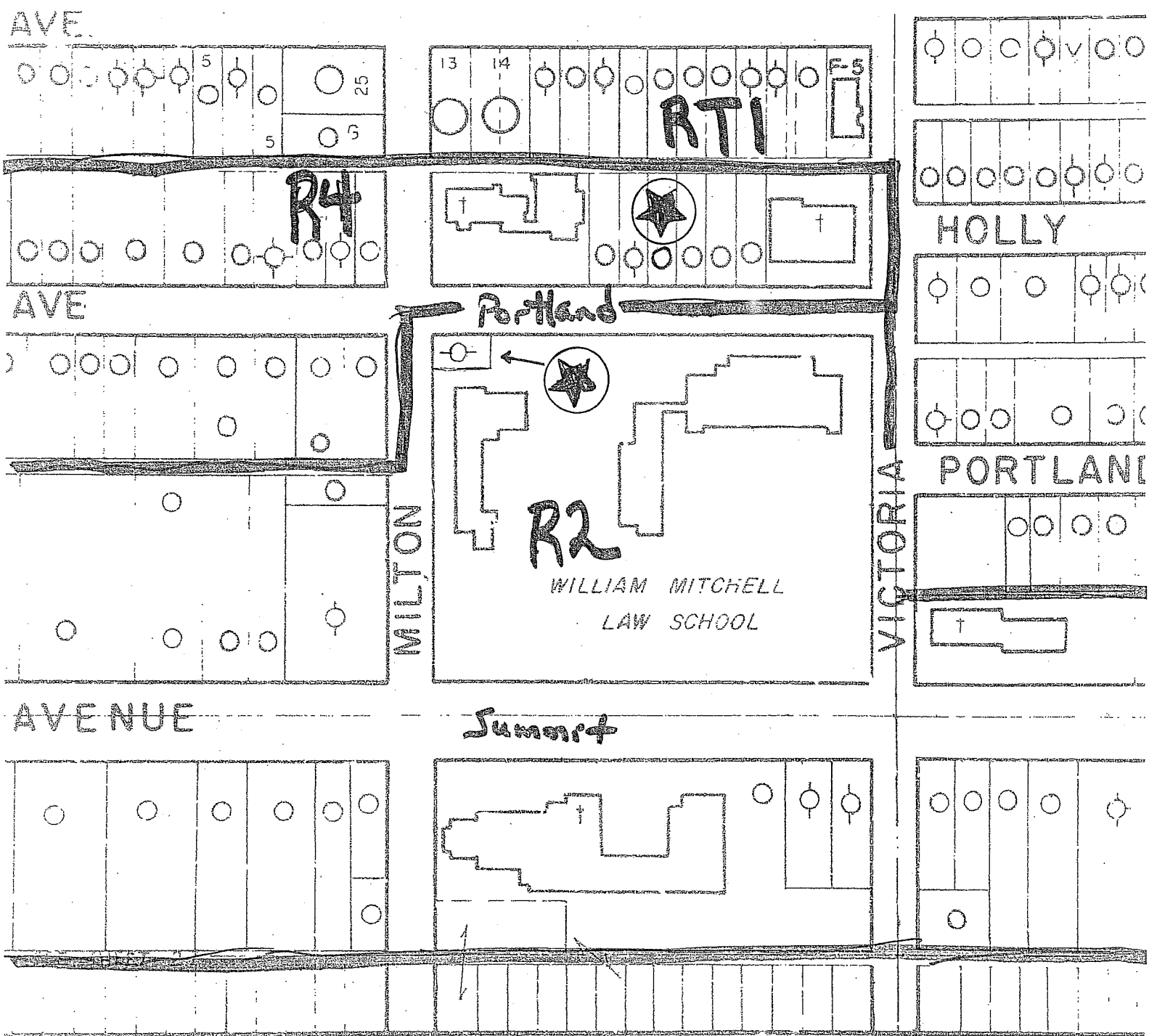
© 2012 Microsoft Corporation

Pictometry Bird's Eye © 2010 Pictometry International Corp

Pictometry Bird's Eye © 2010 MDA



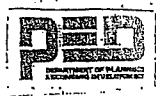




APPLICANT William Mitchell College  
 PURPOSE Conditional Use Permit  
 FILE # 12-116679 DATE 10-15-12  
 PLNG. DIST 8 Land Use Map # 19  
 Zoning Map # 15  
 SCALE 1" = 400'

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant



## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Justin Waggoner **FILE #** 12-212-747
  2. **APPLICANT:** Justin Waggoner **HEARING DATE:** December 6, 2012
  3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
  4. **LOCATION:** 361 Bates Ave, between 6th and 5th
  5. **PIN & LEGAL DESCRIPTION:** 322922140085, Lyman Dayton Addition Nwly 5o Ft Of Lots 1 2 And Lot 3 Blk 19
  6. **PLANNING DISTRICT:** 4 **PRESENT ZONING:** RT1
  7. **ZONING CODE REFERENCE:** §65.116; §65.171; §62.109(c)
  8. **STAFF REPORT DATE:** November 28, 2012 **BY:** Kate Reilly
  9. **DATE RECEIVED:** November 9, 2012 **60-DAY DEADLINE FOR ACTION:** January 8, 2013
- 

- A. **PURPOSE:** Change of nonconforming use from 10 unit roominghouse to 4 unit multi-family dwelling
- B. **PARCEL SIZE:** 55' (Bates) x120' = 6,600 sq. ft.
- C. **EXISTING LAND USE:** Large 2.5-story structure used as a rooming house with two dwelling units and eight rooming units.
- D. **SURROUNDING LAND USE:**

The property is surrounded on all sides by residential uses zoned RT1. This includes mostly one and two-family homes.
- E. **ZONING CODE CITATION:** §65.171 lists standards and conditions for rooming houses; §65.116 defines multi-family dwelling; §62.109(c) authorizes the planning commission to allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** The property at 361 Bates is located within the Dayton's Bluff Historic District. It was originally constructed as a single-family home in 1896. Starting in 1969 it was assessed as a four-unit structure. Sometime before 1983 the then owner, Edward Wittenberg, received legal nonconforming status for 16 rooms in a roominghouse at this property. In 1983 (Z.F. #9334) a modification of a conditional use permit was applied for and received. At that time the applicant was approved for three units and six sleeping rooms. Currently AMANDA shows that there are two units and eight sleeping rooms. The certificate of occupancy was revoked in July 2012 and on Oct. 9, 2012 the building was listed as a Category 2 vacant building by the Department of Safety and Inspections (DSI).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Dayton's Bluff Community Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
  1. This property is located within the Dayton's Bluff Historic District. According to records from the Heritage Preservation Commission the house was constructed as a single-family home in 1896. Since 1983 it has had legal non-conforming status for three units and six sleeping rooms.
  2. The applicant has applied for a change of non-conforming use from a roominghouse to a four-unit multi-family dwelling.
  3. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:*
    - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use. This finding is met. Roominghouses are first allowed in the*

RM1 multiple-family district. Standards and conditions for roominghouses in §65.171 require a minimum lot size of 5,000 square feet plus 1,000 square feet for each rooming unit in excess of two rooming units. In this case the structure has two units and eight rooming units for a total of 13,000 square feet of lot area required. The new use, as a four-unit multi-family dwelling, first allowed in RT2 multiple-family districts, is more appropriate to the RT1 district because it requires a lot area of 10,000 square feet (2,500 square feet per unit). This is a difference of 3,400 square feet rather than 6,400 square feet, thus reducing the non-conformity.

- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. Because there will be fewer units in the building, the number of vehicles potentially in use will be fewer. There will likely be less traffic generated by the new nonconforming use than the existing nonconforming use.
- c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use as a four-unit dwelling is more in keeping with the existing character of development of one- and two-family dwellings in the neighborhood than the existing 10-unit roominghouse use. Provided the building complies with the relevant housing and building codes, this use will not endanger the public health, safety or general welfare.
- d. *The use is consistent with the comprehensive plan.* This finding is met. Strategy 1.1 of the Housing Chapter of the Saint Paul Comprehensive Plan seeks to "increase housing choices across the city to support economically diverse neighborhoods." This will continue to provide housing choices in the neighborhood by providing additional small rental units. That chapter also seeks to preserve existing housing stock, which this will do.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Change of nonconforming use from 10 unit roominghouse to 4 unit multi-family dwelling subject to the following additional condition(s):
  - 1. That a fire certificate of occupancy is received for the building.
  - 2. That all necessary approvals for work on the outside of the house are received from the Heritage Preservation Commission.
  - 3. That at least two off-street parking spaces be made available for residents.



**NONCONFORMING USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning Office Use Only  
File #: 12-212747  
Fee: 700  
Tentative Hearing Date: 12-6-12

PD-4

# 322922 140085

**APPLICANT**

Name Justin Waggoner  
Address 1426 N. Orleans St #204  
City Chicago St. IL Zip 60610 Daytime Phone 612-801-5828  
Name of Owner (if different) JUT Capital LLC  
Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

**PROPERTY  
LOCATION**

Address/Location 361 Bates Ave  
Legal Description \_\_\_\_\_  
Current Zoning RT 1  
(attach additional sheet if necessary)

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☒ Change from one nonconforming use to another (para. c)  
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)  
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)  
☐ Enlargement of a nonconforming use (para. d)

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.

Present/Past Use RMI Roominghouse  
Proposed Use RMI Multiple Family

Attach additional sheets if necessary

CK  
115  
700.00

Attachments as required ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Applicant's Signature Justin Waggoner Date 11-2-12 City Agent add 11-9-12

JUT Capital LLC  
1426 N. Orleans St. #204  
Chicago, IL 60610

November 12, 2012

St. Paul Planning Commission, c/o Zoning Section  
1400 City Hall Annex  
25 W 4<sup>th</sup> Street  
St. Paul, MN 55102

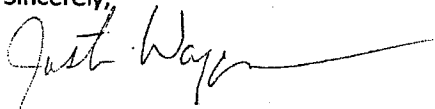
To members of the St. Paul Planning Commission:

Regarding the application to change **361 Bates Ave** from a RM1 Rooming House to a RM1 Multiple Family, I believe I meet the required findings of the permit.

The proposed use is more consistent with the dynamics of the neighborhood, as there are Multiple Family houses and rentals in the neighborhood, and not as many Rooming Houses. The proposed use is more appropriate for the neighborhood as it will reduce the amount of traffic in and out of the property. The change will not be detrimental to the existing character of development in the neighborhood; it should only improve the condition of the property and its surrounding area. I believe the change in use would be consistent with the Comprehensive Plan.

I appreciate your consideration. I look forward to improving the quality of the building and thus helping improve the quality of the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Waggoner", with a long horizontal flourish extending to the right.

Justin Waggoner  
JUT Capital LLC.



# Roominghouse

AMANDA 5.4.4.29.0092808 - User Dubruel, Paul Signed on to AMANDA at LIEP

File Data Search Edit Actions Reports Window Help

Close Update Mark All Pick Accept Retrieve Detail Query To-Do List Property People Folder Call Center Exit

## Property/Parcel Info

Property Folder Property Info Comment People

Legal Desc	Prop Code	Address	City	State	Zip Code	Info	Value
Lyman Dayton Ad	Primary 361 BA	361 BATES AVE	ST PAUL	MN	55106-5175	Sign District 1	Daytons Bl
Lyman Dayton Ad	Secondary 361 BA					Police Grid	094
						Police District	EASTERN
						# of Dwelling Units	10
						Primary Occupancy	R-2
						Building Total Sq.	3018
						Year Built	1900
						Mechanical Inspect	33
						Electrical Inspect	52
						Warm Air Inspect	0
						Building Inspector	7
						Plumbing Inspector	22
						Environmental He	47
						RC Land Market V	140000
						RC Building Marke	160000
						RC Loan Company	90
						RC Loan Company	UNIVERSIT
						RC Use Code	402
						RC Usage	APARTMEI

Legal: Lyman Dayton Addition Nwly 50 Ft Of Lots 1 2 And Lot 3 Blk 19

Name: DAVID JOHN PETERSON

Area: Frontage Depth

Overlay: HPL-DB

Condition: 2 units and 8 rooming units

X-Street: NA

Family ID: 133137

Created Date: Aug 10, 1996

Obsolete Date:

GIS: X-580945.638644796

Parent ID:

Row ID: 133137

Indicators: Violations ☒ Child ☐ Invoice ☒

List View Related View

Folder Annotations Copy Violations Invoice Re-Default GIS Family Print Label

Show no. of rows on tabs

2 Rows Returned

Ready

start WHOS-TIP... ArcView 3.0... 3 Microsoft... Integrated... Document1... GIS - Win... LOGS - Pro... AMANDA 5... 9:04 AM

# ZONING INDEX

SCU - Special Condition Use ✓  
 DSU - Determination of Similar Use  
 REZ - Rezoning  
 CNU - Change In Nonconforming Use  
 VAR - Variance  
 AR - Administrative Review  
 SPR - Site Plan Review

BATES 361

Street

South side between 6th and 5th

Location

Legal	Applicant	Type	ZF #	Action	Date
Lots 1, 2, & 3, Block 19, Lyman Dayton's Addn.	Edward F. Wittenberg	SCU (Mod)	9334	Planning Commission Approved 15-0	3-25-83

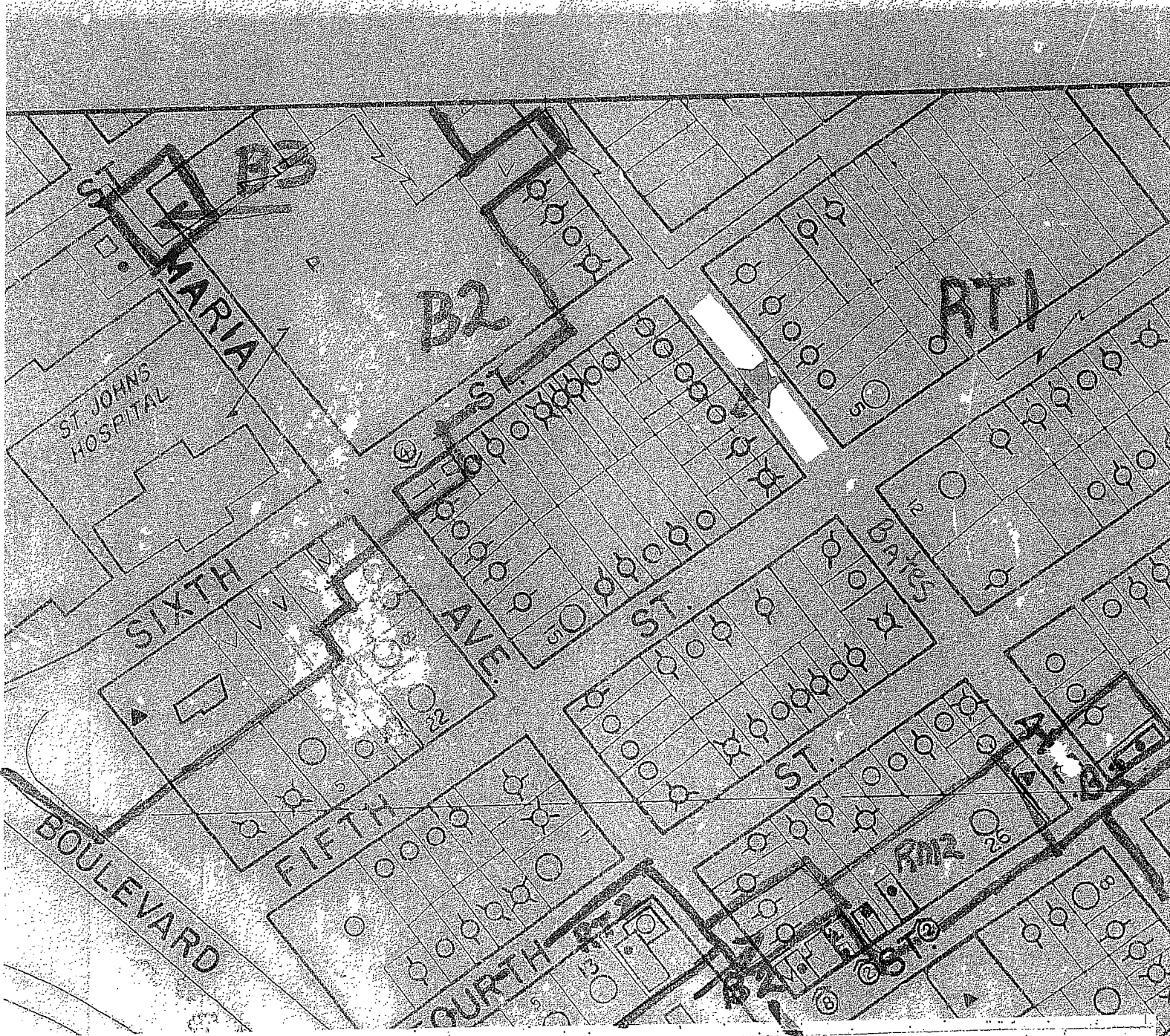
Rev. June '81











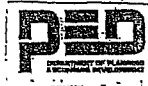
APPLICANT Justin Waggoner  
 PURPOSE Change NCUP  
 FILE # 12-212747 DATE 11-20-12  
 PLNG. DIST 4 Land Use Map # 22  
 Zoning Map # 11  
 SCALE 1" = 400'

LEGEND

zoning district boundary

subject property

- one family
- two family
- multiple family



- commercial
- industrial
- vacant



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-228-3220

DATE: December 7, 2012  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of December 6, 2012 Zoning Committee Hearing

**NEW BUSINESS**

1. **William Mitchell College of Law ( 12-116-679 )**  
Conditional use permit for expansion of campus boundary
- Address:** 918 Portland/46 Milton St N and 889  
Portland  
between Milton and Victoria
- District Comment:** District 8 recommended approval
- Support:** 0 people spoke, 1 letter
- Opposition:** 0 people spoke, 0 letters
- Hearing:** Hearing is closed
- Motion:** Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Approval with conditions ( 6 - 0 )

2. **Justin Waggoner ( 12-212-747 )**  
Change of nonconforming use from 10 unit roominghouse to 4 unit multi-family dwelling
- Address:** 361 Bates Ave  
between 6th and 5th
- District Comment:** District 4 recommended approval
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- Opposition:** 0 people spoke, 0 letters
- Hearing:** Hearing is closed
- Motion:** Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Approval with conditions ( 7 - 0 )

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, William Mitchell College of Law, File # 12-116-679, has applied for a Conditional Use Permit for the expansion of its campus boundary under the provisions of §65.220 and §61.501 of the Saint Paul Legislative Code, on property located at 46 Milton St N/918 Portland Ave, Parcel Identification Number (PIN) 022823240151, legally described as Wanns Subdivision Of Block21 Lots 1 Thru Lot 30 and property located at 889 Portland Ave, Parcel Identification Number (PIN) 022823240050, legally described as Summit Park Addition Tost Pa Lot 22 Blk 20; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property at 889 Portland Avenue was acquired by William Mitchell College of Law in 2000 with the intent to use the building as a residence for new or visiting faculty and to charge market rent or permit short-term rent-free use. It was used as such for a number of years. The property at 46 Milton St N / 918 Portland Avenue was purchased by William Mitchell in 2008, after the previous owner approached the College for the sale. After this purchase, both properties were listed with a residential rental agent to be rented to unrelated third parties (not William Mitchell students), but no suitable renters were found. The change from residential use to office use for both properties happened between 2008 and 2009, and office use has continued there since.
2. The properties included in the expansion of the campus boundary are located in the Hill Historic District. All exterior work to properties within the current and proposed expanded campus boundaries is subject to review by the Heritage Preservation Commission and/or Heritage Preservation staff.
3. §65.220 (f) defines the required content of an "anticipated growth and development statement" to be submitted as part of any application for a college, university or seminary boundary expansion:  
*The boundaries of the institution shall be as defined in the permit, and may not be expanded without the prior approval of the planning commission, as evidenced by an amended conditional use permit. The campus that is defined by the boundaries shall be a minimum of three (3) acres, and all property within the campus boundaries must be contiguous.* This condition is met. The proposed expanded William Mitchell College of Law campus is 6.52 acres, and all properties within the proposed campus boundaries are contiguous.

*The applicant shall submit an "anticipated growth and development statement" for approval of a*

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

*new or expanded campus boundary, which statement shall include but not be limited to the following elements:*

- (1) *Proposed new boundary or boundary expansion.* The applicant describes a proposed expansion of the campus boundary to include the property at 46 Milton Street N/918 Portland Avenue, which is on the same block as the existing campus, and the property at 889 Portland Avenue, which is across Portland Avenue from the existing campus. The total area of the proposed additions is 9,534 square feet.
- (2) *Enrollment growth plans... over the next ten (10) years and also the anticipated maximum enrollment over the next twenty (20) years.* The applicant states that the College does not plan or anticipate any change in enrollment associated with this proposed expansion of the campus boundary. The College's total enrollment for the fall of 2012 is 924 students, including 640 full-time and 284 part-time students. In 2005, enrollment was 1,114 students, the highest it has been in recent years. The applicant has stated that enrollment in the program fluctuates and may increase to previous levels at some point in the future, but that the College does not anticipate any significant enrollment increase over the next ten to twenty years, and that any enrollment increase within these historic norms can be accommodated on the existing campus.
- (3) *Plans for parking facilities over the next ten (10) years, including potential locations and approximate time of development.* The College does not plan or anticipate any change in parking facilities over the next (10) years. The occupants of 46 Milton Street N and 889 Portland Avenue will continue to utilize the College's existing parking facilities, which include sufficient off-street parking spaces to fulfill the required minimums defined by the Zoning Code. Using 2011 data, the most recent officially recorded with the City, William Mitchell College of Law is required to provide a minimum of 212 off-street parking spaces for students and employees. They currently provide 339 off-street parking spaces.
- (4) *Plans for the provision of additional student housing, either on-campus or off-campus in college-controlled housing.* The College does not currently provide any student housing, and has no plans to begin providing on- or off-campus student housing in the future.
- (5) *Plans for use of land and buildings, new construction and changes affecting major open space.* The College plans on using the existing buildings located at 46 Milton Street N and at 889 Portland Avenue for offices. The College is not currently planning any new construction or changes affecting major open space on its campus.
- (6) *An analysis of the effect this expansion will have on the economic, social and physical well-being of the surrounding neighborhood, and how the expansion will benefit the broader community.* The College has been using the two residential structures at 46 Milton Street N and at 889 Portland Avenue for office purposes for several years and is not aware of an effect, either positive or negative, of such use on the well-being of the surrounding neighborhood or broader community.

*Approval of new or expanded campus boundary shall be based on an evaluation using the general standards for conditional uses found in §61.500, and the following criteria:*

- (i) *Anticipated undergraduate student enrollment growth is supported by plans for student housing that can be expected to prevent excessive increase in student housing demands in residential neighborhoods adjacent to the campus.* This criterion does not apply. William Mitchell College of Law has no undergraduate students. It confers a graduate degree of Juris Doctor, and offers a small LLM program to international students.
- (ii) *Potential parking sites identified in the plan are generally acceptable in terms of possible access points and anticipated traffic flows on adjacent streets.* This criterion does not apply. The proposed expansion does not include any new parking sites. Existing parking sites meet the minimum parking requirements for the William Mitchell campus, and the



minimum requirements do not change with the proposed boundary change.

- (iii) *Plans for building construction and maintenance of major open space areas indicate sensitivity to adjacent development by maintaining or providing adequate and appropriately located open space.* This criterion does not apply. The applicant has no plans for building construction or new major open space areas at 46 Milton Street N or 889 Portland Avenue.
- (iv) *The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the City's comprehensive plan.* This criterion is satisfied. No aspect of the boundary expansion or the "anticipated growth and development statement" is in conflict with the City's comprehensive plan.

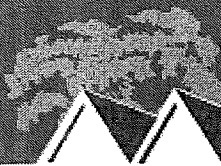
4. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition met. Land Use policy 1.57 of the Saint Paul Comprehensive Plan is to "encourage communication between educational institutions and residents of the community when those institutions seek to expand or make significant changes to their campuses." The applicant has contacted the Summit-University District Council to discuss this expansion.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed boundary expansion will not change any existing ingress or egress points. Campus parking and parking requirements remain unchanged, and will therefore not affect traffic in the public streets.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed boundary expansion will extend campus use to two existing buildings. The building at 46 Milton Street N is on the same block as the rest of the William Mitchell campus. The building at 889 Portland Avenue is across the street from the existing campus. Both buildings, as well as the current campus boundaries, are located in the local and National Register Hill Historic District. Both the National Register and local nomination forms address the established character for the Hill and Summit Avenue West Historic Districts. 46 Milton Street N and 889 Portland Avenue will both be used for offices, with minimal or no external changes to the structures. This use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed boundary expansion includes two existing buildings, and the College has no plans for construction on those properties. There should be no affect on surrounding property for uses permitted in the district.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed boundary expansion conforms in all other respects to applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of William Mitchell College of Law for a Conditional Use Permit for expansion of the William Mitchell campus boundary to include 46 Milton St N/918 Portland Ave and 889 Portland Ave, is hereby approved, subject to the following conditions:

- 1. That all conditions attached to the existing conditional use permit, approved in 1986 (Z.F. #9953), remain in effect.

2. That William Mitchell use the property at 889 Portland Avenue for offices or residences form new or visiting faculty only.
3. That future proposed alterations, repair, new construction or demolitions be submitted for review by the Heritage Preservation Commission, in accordance with §73.06.



**SUMMIT-UNIVERSITY**  
**PLANNING COUNCIL**

December 5, 2012

**Board of Directors**

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Center

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Alissa Grier

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Harry Oda

Anderson Cielto

Stephanie Stoessel

Linda McBrayer

Dianne Moore

**To Whom It May Concern:**

I am writing on behalf of the Summit-University Planning Council and its board of directors regarding the application of William Mitchell College of Law to amend its existing conditional use permits for office buildings.

Kathy Panciera, as a representative of the law school, contacted the Summit-University office to notify us of the changes they were applying for. Since the scheduled public hearing fell on a date after SUPC's regular October meeting, but before the November meeting, we asked that they delay their public hearing so that we could hold a public meeting. Due to staff illness, Kathy instead presented to the Summit-U board of directors on November 26, 2012.

The Summit-U board heard the presentation and believed the application made sense. Directors were, however, hesitant to offer a recommendation of support without hearing more from residents. We have found the applicant to be exceedingly cooperative with our organization, as well as with neighbors of their property. They independently notified residents of the planned changes and heard no objections. Summit-University Planning Council also has no objections to this application.

Please feel free to contact me by email at [irna@summit-u.com](mailto:irna@summit-u.com) or phone at 612-743-0253, with any questions or concerns.

Thank you,

Irna Landrum  
Executive Director

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Mr Justin Waggoner, File # 12-212-747, has applied for a change of nonconforming use from a 10-unit roominghouse to a 4-unit multi-family dwelling under the provisions of §62.109(c) of the Saint Paul Legislative Code, on property located at 361 Bates Ave, Parcel Identification Number (PIN) 322922140085, legally described as Lyman Dayton Addition Nwly 5o Ft Of Lots 1 2 And Lot 3 Blk 19; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2012, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. This property is located within the Dayton's Bluff Historic District. According to records from the Heritage Preservation Commission the house was constructed as a single-family home in 1896. Since 1983 it has had legal non-conforming status for three units and six sleeping rooms.
2. The applicant has applied for a change of non-conforming use from a roominghouse to a four-unit multi-family dwelling.
3. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:*
  - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. Roominghouses are first allowed in the RM1 multiple-family district. Standards and conditions for roominghouses in §65.171 require a minimum lot size of 5,000 square feet plus 1,000 square feet for each rooming unit in excess of two rooming units. In this case the structure has two units and eight rooming units for a total of 13,000 square feet of lot area required. The new use, as a four-unit multi-family dwelling, first allowed in RT2 multiple-family districts, is more appropriate to the RT1 district because it requires a lot area of 10,000 square feet (2,500 square feet per unit). This is a difference of 3,400 square feet rather than 6,400 square feet, thus reducing the non-conformity.
  - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. Because there will be fewer units in the building, the number of vehicles potentially in use will be fewer. There will likely be less traffic generated by the new nonconforming use than the existing nonconforming use.
  - c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use as a four-unit dwelling is more in keeping with the existing character of development of one- and two-family dwellings in the neighborhood than the existing 10-unit roominghouse use. Provided the building complies with the relevant housing and building codes, this use will not endanger the public health, safety or general welfare.
  - d. *The use is consistent with the comprehensive plan.* This finding is met. Strategy 1.1 of the

Housing Chapter of the Saint Paul Comprehensive Plan seeks to "increase housing choices across the city to support economically diverse neighborhoods." This will continue to provide housing choices in the neighborhood by providing additional small rental units. That chapter also seeks to preserve existing housing stock, which this will do.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Mr Justin Waggoner for a change of nonconforming use from a 10-unit roominghouse to a 4-unit multi-family dwelling at 361 Bates Ave is hereby approved, subject to the following conditions:

1. That a fire certificate of occupancy is received for the building.
2. That all necessary approvals for work on the outside of the house are received from the Heritage Preservation Commission.
3. That at least two off-street parking spaces be made available for residents.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_



# Dayton's Bluff

## District 4 Community Council

798 E. 7th Street, Saint Paul, MN 55106 - Phone 651-772-2075 - Fax 651-774-3510

Visit our web site at [www.daytonsbluff.org](http://www.daytonsbluff.org)

March 15, 2012

Kate Reilly  
Planning and Economic Development  
25 West 4<sup>th</sup> Street  
Saint Paul MN 55102

Dear Kate,

At our December 3, 2012 board of directors meeting our board passed a resolution in support of changing 361 Bates from a nonconforming use of a 10 unit rooming house to a 4 unit multi-family dwelling.

Four units seem like a better use of this beautiful historic home than the 10 unit boarding house. We did invite neighbors to the meeting so they could if they wish come and offer input on the matter. Please call me if you need more information at 651-772-2075.

Thank you.

Sincerely,

*Karin DuPaul*  
Community Organizer

cc. Kathy Lantry

#####Creating a sense of place and a place that makes sense#####



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6565  
Facsimile: 651-228-3261*

**DATE:** December 6, 2012  
**TO:** Planning Commission  
**FROM:** Neighborhood Planning Committee  
**SUBJECT:** Shepard Davern Area: Planning Update and Zoning Study

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### **Introduction**

The Shepard Davern area is at the southern-most edge of Saint Paul, just across the Mississippi River from the MSP International Airport and the Mall of America, and easily accessible from Downtown Saint Paul via Highway 5 / West 7<sup>th</sup> Street or Shepard Road. This strategic location has been the focus of many planning efforts in recent years, as summarized below.

### **Shepard Davern Small Area Plan (1999)**

- Includes the Shepard Davern Commercial and Shepard Davern Residential Overlay Districts.
- Plan elements include: design guidelines; mixed-use districts; streetscaping; housing goals; a reconfigured Shepard Road including increased access; and a new "gateway" into the city.

### **Shepard Davern Special Sign District**

- Limits billboards; places stronger restrictions on nonconforming signs.

### **Fort Road Development Plan (2005)**

- Includes transit- and pedestrian-oriented development standards, and encourages a mix of uses along the Fort Road corridor.
- Nodes are identified for denser residential development opportunities. The Gateway and Rankin nodes are both in the Shepard Davern area.

### **District 15 Neighborhood Plan (2005)**

- Recommends amending the Shepard Davern SAP and overlay with two modifications: reducing the maximum allowed building height to five floors (from six) or fifty-five feet (from sixty-five) while continuing to enforce the forty-foot height limits in the Mississippi River Critical Area, and; eliminating convention facilities as permitted uses.
- Recommends a TN3 Master Plan to replace the design guidelines in the Shepard Davern overlay areas.

### **Great River Passage Plan (awaiting adoption)**

- Three overarching themes: More Natural, More Urban, More Connected.
- Promotes increased access to the Mississippi River, with traffic calming and enhanced grade interactions along Shepard Road between Rankin and Highway 5; creating multimodal park access routes (green connections) between West 7<sup>th</sup> and Shepard Road; encouraging river-oriented redevelopment along Shepard Road; and creating new recreational facilities at the river's edge.

With the profusion of planning documents covering the Shepard Davern area, as well as the two Shepard Davern overlay districts, the vision for the area has become muddled and development work is difficult. The *Shepard Davern Small Area Plan* is outdated, particularly in light of the more recent plans for the area. City staff, along with the Highland District Council, have identified key issues that should be addressed by a renewed planning effort for Shepard Davern.

#### **Insufficient zoning/overlay districts**

The existing Shepard Davern Overlay Districts (see attached map) exclude a number of commercially zoned properties along West 7<sup>th</sup> Street, and do not include the full area discussed in the Shepard Davern Small Area Plan (1999). These districts also include certain standards that have made it difficult to attract development, and may be prohibitive to the redevelopment of some of the properties in the area.

Since the creation of these overlay districts, the City has adopted new Traditional Neighborhood zoning districts which include many of the pedestrian-friendly qualities and design standards that are included in the Shepard Davern Overlay Districts. TN zoning districts may be a more straightforward and comprehensive replacement for these overlay districts.

#### **Roadway issues**

The Shepard Davern Plan of 1999 included a number of roadway adjustments for the area, including new pedestrian intersections on Shepard Road and West 7<sup>th</sup>. Circulation issues still exist, including issues with access to businesses along West 7<sup>th</sup> (both for pedestrians and motor vehicles), and with access to the river and Crosby Farm. The high levels of traffic on both West 7<sup>th</sup> and Shepard Road continue to create barriers between the residents and businesses in the area.

#### **Greenspace and landscaping**

There is a shortage of recreational and public green spaces in the Shepard Davern area, particularly with the high number of children living in the area. Many of the area's open spaces are either located in quasi-private courtyards or are largely inaccessible due to the traffic on Shepard Road.

To address these ongoing concerns, the Neighborhood Committee recommends initiating a zoning study and a district plan amendment to update the policies and development guidelines for the Shepard Davern area.

#### **Geographic scope**

The geographic limits of this zoning study and planning effort should include the whole Shepard Davern area. The existing overlay districts do not cover all of the area included in the Shepard Davern Small Area Plan from 1999, nor the whole area looked at as the "West 7<sup>th</sup> Street Area" in the District 15 Neighborhood Plan.

The Shepard Davern Special Sign District applies to *"the area beginning at a point where Shepard Road, Mississippi River Boulevard and West Seventh intersect, northeasterly along West Seventh Street to Edgumbe Road, north on Edgumbe Road to St. Paul Avenue, east along St. Paul Avenue to West Seventh Street, northeasterly along Homer Street, southeasterly along Homer Street to Shepard Road, southwesterly along Shepard Road to the point of the beginning."* This roughly corresponds to the area included in the 1999 Small Area Plan, and to the "West 7<sup>th</sup> Street Area" as identified in the District 15 Neighborhood Plan. Therefore this is the recommended area for study under this planning and zoning study.



**Document scope**

Using the City's Traditional Neighborhood zoning districts, most of the elements of the existing Shepard Davern Overlay Districts can be streamlined through a zoning study to create a more straightforward framework for the area. Because of recent planning efforts on the Great River Passage Plan and the strength of the Highland Park/District 15 Neighborhood Plan, the Neighborhood Committee recommends that the new Shepard Davern plan be composed as an amendment to the existing Highland Park/District 15 Neighborhood Plan rather than as a stand-alone Small Area Plan.

**Task force formation**

City staff will take the lead in the zoning study and writing the Neighborhood Plan amendment or Small Area Plan. A task force should be convened comprised of neighborhood representatives to guide the process, led by two co-chairs, one from the community and one from the Planning Commission. The full task force should be approximately 12 people, and will meet roughly once a month.

**Neighborhood Committee recommendation**

The Neighborhood Planning Committee recommends approval of the attached resolution to the Planning Commission. The resolution formally initiates the planning process and zoning study, and authorizes the formation of a neighborhood task force.

city of saint paul  
planning commission resolution DRAFT  
file number \_\_\_\_\_  
date \_\_\_\_\_

**Shepard Davern Area Plan Update and Zoning Study Initiation**

**WHEREAS**, the *Shepard Davern Gateway Small Area Plan & Saint Paul Gateway Project (Shepard Davern Small Area Plan)* was adopted in 1999 to guide the development of the area bounded by the Mississippi River on the south and west and by the Highland Park bluffs on the north; and

**WHEREAS**, the *Shepard Davern Small Area Plan* was a collaboration of a Small Area Plan Task Force of community members, the City of Saint Paul staff members, and a Small Area Plan Urban Design Team; and

**WHEREAS**, the *Shepard Davern Small Area Plan* utilized the ten principles laid out in the *Saint Paul on the Mississippi Development Framework* to specifically address the Shepard Davern area; and

**WHEREAS**, the *Shepard Davern Small Area Plan* contains a plan for the Gateway area, for the major West Seventh Street and Shepard Road corridors, for the redevelopment of existing industrial properties around Davern Street and Shepard Road, and for the development of new housing within existing residential areas; and

**WHEREAS**, Sections 67.302 *SDC Shepard Davern commercial redevelopment overlay district* and 67.303 *SDR Shepard Davern residential redevelopment overlay district* were amended to the Saint Paul Zoning Code in 1999 as mechanisms to accomplish the goals of the *Shepard Davern Small Area Plan*; and

**WHEREAS**, in 2011, the *SDR residential redevelopment overlay district* was amended to reduce the minimum required parcel size for developments from two acres to one acre; and

**WHEREAS**, experience with the *Shepard Davern Small Area Plan* and the zoning overlay districts in recent years has led staff to question whether it is providing the right type and level of direction for the area; and

**WHEREAS**, the overlay districts were written prior to the City adopting the Traditional Neighborhood (TN) districts into the Zoning Code, and have many of the same standards and goals as the TN districts; and

**WHEREAS**, the 2005 *District 15 Highland Park District Plan* has a detailed plan for the entire West 7<sup>th</sup> Street area, and more closely aligns with present neighborhood goals for the area; and

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

**WHEREAS**, the 2005 *Fort Road Development Plan* includes urban design guidelines and building typology recommendations as well as concept plans for two key nodes in the Shepard Davern area; and

**WHEREAS**, the *Great River Passage Master Plan*, currently being considered as an addendum to the Saint Paul Comprehensive Plan, contains recommendations for the Shepard Davern area; and

**WHEREAS**, to both update and simplify development guidelines and policies for this area, City staff recommends decertifying the existing *Shepard Davern Small Area Plan* and writing an amendment to the *Highland Park District Plan*; and

**WHEREAS**, City staff and the Highland District Council wish to expand the zoning study area to include the areas covered by the existing overlay districts as well as those additional areas included in the *Shepard Davern Small Area Plan*.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission hereby initiates a planning update of the *Shepard Davern Small Area Plan* as an addendum of the *Highland Park District Plan* for the area that follows Shepard Road from the Highway 5-West Seventh Street bridge northeast to Homer Street, north to West Seventh Street, southwest to Saint Paul Avenue, west along Saint Paul Avenue and including the properties on both sides of Saint Paul Avenue, to Edgcumbe Road south to West Seventh Street, southwest to the Highway 5-West Seventh Street bridge; and

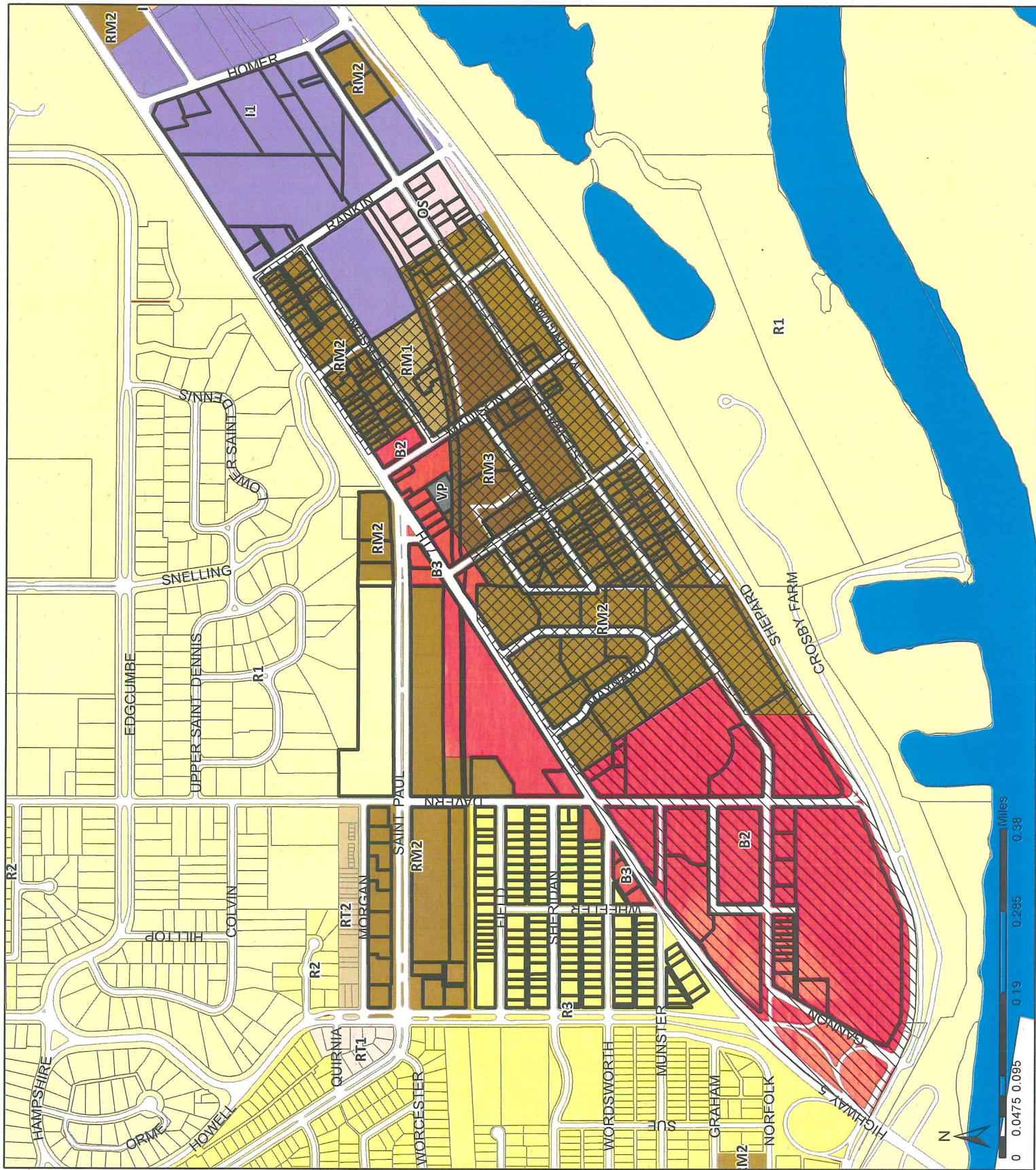
**BE IT FURTHER RESOLVED**, that the Planning Commission also hereby initiates a zoning study for the area covered by the existing commercial and residential overlay districts as well as the entire area described above; and

**BE IT FURTHER RESOLVED**, that the Planning Commission authorizes the creation of a community task force to advise the work of City staff, to include representatives of residence owners and renters, commercial property owners and business operators, parks and recreation interests and local non-profits; and

**BE IT FINALLY RESOLVED**, that this task force shall be appointed after review by the Planning Commission, and shall be co-chaired by a Planning Commissioner and a community representative.



# Shepard Davern Planning Area



## Legend

- Parcels in study area
- SDC Overlay
- SDR Overlay
- RL One-Family Large Lot
- R1 One-Family
- R2 One-Family
- R3 One-Family
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family
- RM3 Multiple-Family
- T1 Traditional Neighborhood
- T2 Traditional Neighborhood
- T3 Traditional Neighborhood
- T3M T3 with Master Plan
- T4 Traditional Neighborhood
- OS Office-Service
- B1 Local Business
- BC Community Business (converted)
- B2 Community Business
- B3 General Business
- B4 Central Business
- B5 Central Business Service
- IR Light Industrial Restricted
- I1 Light Industrial
- I2 General Industrial
- I3 Restricted Industrial
- VP Vehicular Parking
- PD Planned Development
- CA Capitol Area Jurisdiction



City of Saint Paul  
Department of  
Planning and  
Economic  
Development

